

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 30, 2003

DIVISION ONE

B163427 People v. Hooks (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B164040 Jazim, etc. (Not for Publication)
v.
Sookasian

The judgment is reversed and the cause is remanded to the trial court with directions to set the case on track for a new trial. Jazmin is awarded her costs of appeal.

Vogel (Miriam A.), J.

I concur: Spencer, P.J.
I dissent: Ortega, J. (Opinion)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

June 30, 2003 (Continued)

DIVISION ONE (Continued)

B153765 People (Not for Publication)
v.
Gonzales

The judgment is affirmed. If there is error in the current abstract of judgment with respect to the sentence imposed on count two, the clerk of the court is directed to prepare a corrected abstract of judgment and forward a copy thereof to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

[illegible]

The judgment is reversed insofar as it finds defendant guilty of the August 7, 2000 robberies alleged in counts 9 and 10 and finds true the firearm use enhancements attached to those counts. The judgment is modified to reduce defendant's total consecutive sentence from 47 years and 4 months to 42 years, and subtracting the 5 year and 4 month consecutive sentence imposed on count 9 and the firearm use enhancements, as well as the same concurrent sentence imposed on count 10. As modified, we affirm the balance of the judgment. The clerk of the superior court is directed to prepare a modified abstract of judgment as outlined above and to transmit the same to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

June 30, 2003 (Continued)

DIVISION ONE (Continued)

B160932 People (Not for Publication)
v.
Pina and Elias

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

B161984 People (Not for Publication)
v.
Catchings

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B162875 People
v.
Madera

(Not for Publication)

The appeal is dismissed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B161664 Los Angeles County, D.C.S. (Not for Publication)
v.
Michelle W.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

DIVISION THREE

B155450 People (Not for Publication)
v.
Ignacio Silva et al.

The judgments are affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
Kitching, J.

B150013 People (Not for Publication)
v.
Jose Guadalupe Caro et al.

The judgments as to both Caro and Ramirez are modified to strike the criminal street gang enhancement of three years and four months imposed as to count 3, and, as so modified, the judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

DIVISION THREE (Continued)

B155492 Randy Walter (Not for Publication)

v.

Kia Motors America, Inc., et al.

The judgment is affirmed. Walter is to bear his own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B165915 Lisa R. (Not for Publication)

v.

Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B159784/ Los Angeles County, D.C.S. (Not for Publication)
B161329

v.

Bruce C., et al.

The order denying father's petition for modification under section 388 is affirmed. The appeals filed by mother and the children are dismissed as abandoned.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

June 30, 2003 (Continued)

DIVISION THREE (Continued)

B153506 City of Hawthorne, ex rel. Howard F. Wohlner (Certified for Publication)
v.
H & C Disposal Company

The order of dismissal is reversed with directions to reinstate Wohlner's complaint. Wohlner shall recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION SIX

B159422 People (Certified for Publication)
v.
Wallace

The judgment is reversed. The purported plea is vacated and the dismissed counts are reinstated with the matter remanded for plea or trial, as appropriate.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B161725 Kenefake (Not for Publication)
v.
Hulette

The judgment is affirmed. Costs are awarded to Kenefake.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B152991 People (Not for Publication)
v.
Olvera et al.

The judgments are modified to delete the gang enhancements under section 186.22, subdivision (b)(1) that are attached to appellants' murder convictions under count 2. The superior court shall modify the abstracts of judgment to instead reflect a 15-year minimum parole eligibility date for each of the four murder convictions pursuant to section 186.22, subdivision (b)(4) (now renumbered as section 186.22, subdivision (b)(5)). The judgment as to Benny Lopez is further modified to delete the award of 95 days of presentence conduct credit. A copy of the amended abstracts shall be forwarded to the Department of Corrections. As so modified, the judgments are affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B161101 Rose (Not for Publication)
v.
Kemp Ford et al.

The judgment of dismissal is reversed. The trial court is directed to vacate its order sustaining the demurrer and to enter a new order overruling the demurrer as to all causes of action of the fourth amended complaint. Rose shall recover her costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

June 30, 2003 (Continued)

DIVISION SIX (Continued)

B162381 People v. Glass (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B157232 Co. of Ventura (Not for Publication)
v.
Dimmick

The judgment of dismissal is reversed and husband's cross-appeal is dismissed. Costs on appeal are awarded to County.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B154641 People (Not for Publication)
v.
Lee et al.

The trial court is directed to correct the abstracts of judgment to include the convictions for counts eight and nine as to Austin and to state that count nine as to Lee and Austin is for second degree burglary and not robbery. In all other respects, the judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

June 30, 2003 (Continued)

DIVISION SIX (Continued)

B164167 People (Not for Publication)
v.
Serafin H.

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B150409 Emilie Fuentes (Not for Publication)
v.
Louis Fuentes

The judgment is affirmed. Costs to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B158771 People (Certified for Publication)
v.
Ramirez

Filed order modifying opinion. (No change in the judgment).
Petition for rehearing is denied.

Yegan, J., Coffee, J.
I would grant. Perren, J.

B160856 People
v.
Holden

Filed order denying petition for rehearing.

DIVISION SEVEN

B158329 People (Not for Publication)
v.
Diego

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B156450 Callahan (Not for Publication)
v.
Mutual Life Insurance Company of New York

The judgment is affirmed. MONY is to recover costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Munoz, J. (Assigned)

B164307 People (Not for Publication)
v.
Valencia

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B153293 Smith (Certified for Publication)

v.

International Brotherhood of Electrical Workers

The judgment is affirmed as to both defendants on the cause of action for breach of contract and as to defendant Kropke on the causes of action for intentional and negligent infliction of emotional distress, wrongful discharge in violation of public policy and age and disability discrimination. The judgment is affirmed as to the union on the cause of action for age discrimination and reversed on the causes of action for wrongful discharge in violation of public policy, disability discrimination and intentional and negligent infliction of emotional distress. Appellant is awarded his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Munoz, J. (Assigned)

B155443 People (Not for Publication)

v.

Seo

The judgment is modified by staying the execution of sentence, pending finality of this judgment, for count 1 (the misdemeanor assault conviction). Such stay is to become permanent when service of sentence as to count 4 (battery with serious bodily injury) and count 6 (dissuading a witness by force or threat) is completed. In all other respects the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections.

Johnson, J.

We concur: Perluss, P.J.
 Munoz, J. (Assigned)

DIVISION SEVEN (Continued)

B157454 People (Not for Publication)
v.
Morrison

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B154697 McConnell (Not for Publication)
v.
Lawyers' Mutual Ins., Co.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.
Munoz, J. (Assigned)

B158950 Max Group Corp. (Not for Publication)
v.
Pacific Industrial Partners

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

B162673 People (Not for Publication)
v.
Mario Z.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

June 30, 2003 (Continued)

DIVISION SEVEN (Continued)

B164539 People (Not for Publication)
v.
Lewis

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B164065 People (Not for Publication)
v.
Hasan

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B160116 People (Not for Publication)
v.
Davillier

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

June 30, 2003 (Continued)

DIVISION SEVEN (Continued)

B157975 People (Not for Publication)
v.
Timothy J.

The court failed to exercise its discretion to declare on the record whether the offense of possession of a firearm by a minor was properly a felony or misdemeanor. The cause is remanded to permit the juvenile court to exercise its discretion to determine if the offense is a felony or misdemeanor and for the court to recalculate the maximum theoretical period of confinement, if necessary. In all other respects, the order under review is affirmed.

Woods, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

DIVISION EIGHT

B152846 Jitner (Not for Publication)
v.
Amiri et al.

The order of the trial court sustaining the demurrer of Amiri and King Weiser is affirmed. The cost award to King Weiser is to be reduced by \$671.00. The case is remanded to the trial court for a hearing and ruling on the merits of the section 425.16 motion filed by Amiri and King Weiser. Costs on appeal are awarded to Amiri and King Weiser.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

June 30, 2003 (Continued)

DIVISION EIGHT (Continued)

B156022 Cameron et al. (Not for Publication)
 v.
 Firststar Bank

The Notice of Default is invalid. In all other respects, the judgment is affirmed. The stay imposed by this court on July 3, 2002, is dissolved. No party is entitled to costs.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.